



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
SOLID WASTE SECTION

**PERMIT TO OPERATE A SEPTAGE LAND
APPLICATION SITE**

Leonard McSwain Septic Tank
Leonard McSwain
3020 Ramseur Church Road
Shelby, NC 28150

is hereby permitted to operate Septage Land and Application Site with permit # **SLAS-23-06** located on SR#1364 in Cleveland County in approximate position 35.38632° N latitude and -81.59102° W longitude. This site is permitted only for operations that are conducted in accordance with the representations made in the approved application, with all conditions attached to this permit, and with all of the provisions of 15A NCAC 13B.0800 -- Septage Management. Failure to operate as permitted may result in the Department suspending or revoking this permit, initiating action to enjoin the unpermitted operation, imposing administrative penalties, or invoking any other remedy as provided in Chapter 130A, Article 1, Part 2 of the North Carolina General Statutes.

This permit shall be reviewed annually to determine if soil test results and management activities are in compliance with the Septage Management Rules and the conditions of this permit. Modifications, where necessary, shall be made in accordance with rules in effect at the time of review.

Date Issued

3/15/2013



Martin A. Gallagher, Branch Head
Composting & Land Application Branch

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Telephone 919-707-8200 \ Internet <http://portal.ncdenr.org/web/wm/sw>

CONDITIONS OF OPERATING PERMIT

1. This permit shall become void if the soils fail to adequately assimilate the septage and shall be rescinded unless the site is maintained and operated in a manner which will protect the assigned water quality standards both surface and ground waters.
2. This site shall be operated and maintained in accordance with the nutrient management plan submitted by Leonard McSwain and approved by the Division of Waste Management. **The 12.8-acre site shall remain established in tall fescue. The site shall be divided into Field 1 (5.9 acres) and Field 2 (6.9 acres).** Areas where the fescue crop dies out shall be reseeded with fescue at agronomic rates during appropriate times of the year. The fescue in each field shall be cut as hay and baled twice each year. Septage application shall cease on Field 1 by March 31 of each year and hay shall be harvested approximately May 1 of each year. Septage applications shall resume on Field 1 until August 30 of each year when the 30-day waiting period shall begin prior to the second harvest. Septage applications shall cease on Field 2 by April 30 of each year and hay shall be harvested approximately June 1 of each year. Septage applications shall resume on Field 2 until September 30 of each year when the 30-day waiting period shall begin prior to the second harvest. Phosphorus and potassium shall be added to the site in accordance with the soil test recommendations for the crops grown. All discharges shall be at locations on the site consistent with the crop rotation in the approved plan.
3. This site shall be operated and maintained in accordance with the erosion and runoff control plan submitted by Leonard McSwain in such a manner as to prevent the migration of wastes off of the designated waste receiving site. A 50-foot buffer of tall fescue shall be left undisturbed around the perimeter of the site. Any site improvements noted in the plan must be installed within 30 days of plan approval. The installation of groundwater monitoring wells shall be required as deemed necessary by the Division.
4. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other local, state, and federal government agencies which have jurisdiction. It is the responsibility of the Permittee to be in compliance with the Federal Regulations listed in the Code of Federal Regulations, 40 CFR Part 503.

5. This permit may be modified or reissued at any time to incorporate any conditions, limitations and/or monitoring requirements the Division deems necessary to adequately protect the environment and public health.
6. **This site is only permitted for the land application of domestic septage.** Domestic septage pH shall be raised to 12 or higher by alkali addition and, without the addition of additional alkali, shall remain at 12 or higher for 30 minutes prior to land application.
7. **This site contains approximately 12.8 acres that are available for land application of septage.** The maximum annual application rate shall be 50,000 gallons per acre per year, for a total, **maximum annual application rate of 640,000 gallons.** This application rate assumes equal septage distribution, on an annual basis, over the entire permitted area. Application amounts to the fields shall not exceed the maximum annual application rate or the monthly rates as listed in the approved nutrient management plan.
8. An approved above ground septage detention system with a minimum design capacity of 12,307 gallons shall be available prior to operation of this site unless an approved wastewater treatment plant is available for use during periods of adverse weather. The storage capacity may be adjusted if it is demonstrated during the operation of the site that this volume of storage is inappropriate.
9. Only the area designated on the attached site map(s) shall be utilized for septage disposal. Each load of septage discharged at the site shall be distributed from a moving vehicle in such a manner that there is no standing water when the discharge is complete.
10. Septage shall not be applied during any precipitation event, or if there is standing water on the soil surface, if the soil surface is frozen, or if the soil surface is snow covered. The Permittee shall consider pending weather conditions when making the decision to land apply in order to prevent any discharge of septage outside of the permitted boundary.
11. Septage shall not be applied during periods of high soil moisture. Septage applications that will result in ruts greater than three inches in the soil surface are prohibited.
12. Any discharge of septage outside of the permitted boundaries via runoff, aerial drift, etc. is prohibited.

13. This permit shall become voidable unless the land application activities are carried out in accordance with the conditions of this permit and in the manner approved by this Division. No one other than the Permittee or an employee of the firm named in this permit shall discharge septage at this site without prior appropriate notification and written approval from the Division.
14. Prior to any transfer of this land, a notice shall be given to the new owner that gives full details of the materials applied or incorporated at this site. The Division shall be notified prior to site closure. This permit is non-transferable.
15. **This permit shall expire on October 1, 2017.** Modifications, when necessary, shall be made in accordance with the rules in effect at the time of renewal. An application for permit renewal shall be submitted at least ninety (90) days prior to the permit renewal date. A septage application log for the period of time this permit was valid shall be submitted along with an application for permit renewal or modification. The information required in the log is described in Rule 15A NCAC 13B .0838 (e)(1) of the NC Septage Management Rules and the Code of Federal Regulations, 40 CFR Part 503.17 (b).
16. Records shall be kept in accordance with 40 CFR 503.17(b). These records shall be made available to a representative of the Division upon request.
17. Any duly authorized officer, employee, or representative of the Division may, upon presentation of credentials, enter and inspect any property, premises, or place on or related to the disposal site and facility at any reasonable time for the purpose of determining compliance with this permit; may inspect or copy any records that must be kept under the conditions of this permit; or may obtain samples of groundwater, surface water, or leachate.
18. Field separations in the nutrient management plan and all pertinent setbacks shall be clearly located on the site. Boundaries of the permitted septage land application fields shall be clearly marked on the ground.
19. The areas that can be used for land application of septage shall be maintained at least 500 feet from any existing wells, residences, places of business, or places of public assembly. Septage shall not be disposed of within 50 feet of any property line, within 100 feet of any ditch or within 200 feet of any surface water unless specified otherwise.



North Carolina Department of Environment and Natural Resources

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March 15, 2013

Mr. Leonard McSwain
Leonard McSwain Septic Tank
3020 Ramseur Church Road
Shelby, NC 28150

**RE: SLAS permit renewal
Leonard McSwain Septic Tank
SLAS-23-06
SR#1364 in Cleveland County**

Dear Mr. McSwain:

The NC Division of Waste Management has reviewed your application to renew a Septage Land Application Site permit in Cleveland County. Your application has been approved and your permit, # **SLAS-23-06**, is enclosed. **Please note Permit Conditions 2 & 7 which address the change in permitted disposal acreage (obtained by GPS data) and the resulting decrease in the maximum annual application rate.** If you have any questions about your permit, we'll need the number in order to answer your questions.

Please read all of your permit conditions carefully. Your nutrient management and soil erosion and runoff control plans have been included in your permit's conditions. In particular, review Permit Condition 15, which states that you will need to submit septage application logs for your site in order to renew your permit. These logs need to cover the entire time your current permit is valid. For details on the information you should include, consult the NC Septage Management Rule 15A NCAC 13B .0838(e)(1) and the Federal register's 40CFR Part 503.17(b). This permit condition also states that this permit is valid until **October 1, 2017**. If you have any questions, please ask for assistance as rule violations could expose you to administrative penalties.

Please note that to land apply industrial or commercial septage at a permitted septage disposal site you must have prior approval from the NC Division of Waste Management. The waste must be sampled prior to being removed from the system. Generally, the Division will request that you have a waste analysis run on septage from each commercial or industrial septage generator before that type of septage is approved for land application.

Use of a land application site or septage detention or treatment facility that is not permitted may result in administrative penalties up to \$15,000 per violation in accordance with NC General Statute 130A-22.

If you have any questions, please contact me at (910) 433-3352 or Martin Gallagher at (919) 707-8280.

Sincerely,

Connie Wylie, Soil Scientist
Composting & Land Application Branch

APPLICATION FOR A PERMIT TO OPERATE A SEPTAGE LAND APPLICATION SITE

North Carolina Department of Environment and Natural Resources
Division of Waste Management – Solid Waste Section
1646 Mail Service Center, Raleigh, NC 27699-1646



RECEIVED
JUL 05 2012
DENR - FAYETTEVILLE REGION

I. Site and Operator Information

1. Applicant Leonard M. Swain
Address 3020 Ramseyer Ch. Rd.
Shelby, N.C. 28150
Phone 704-482-1380

2. Contact person for site operation (if different from applicant):
Title or position _____ Phone _____
Address _____

3. Landowner James Robert Horn
Address 1030 UNION Rd
Shelby, N.C. 28150

4. Site Location: County Cleveland State Road Number 1364
Directions to site: Highway 226 N. - RIGHT ON ST. Rd. 1364 -
approx. 1 1/2 mi. ON RIGHT

5. Indicate whether request is: new _____ renewal ☒ modification _____

For a permit renewal or modification, provide the following information:

Existing site permit number: 23-06 permit expiration date: 10-1-12

6. Number of acres meeting the requirements of the N.C. Septage Management Rules: 20 acres.

7. Substances other than septage or grease trap pumpings previously disposed of on the site:
(a) None ☒, or (b) Attach a list indicating other substances, the amounts discharged, and the dates of discharge.

☒ 8. Attach written, notarized landowner authorization to operate a septage disposal site signed by the landowner (if the permit applicant does not own the property). **If a corporation owns the land use a corporate landowner authorization form. If limited liability company owns the land, use a limited liability company landowner authorization form.**

☒ 9. Attach site evaluation report, including aerial photograph and soil analysis with metals results, unless the Division prepared the report.

☒ 10. Attach a vicinity map (county road map showing site location).

(over)

II. Site Management Information:

The following information shall be included with the application form:

1. Nutrient Management Plan
2. Soil Erosion and Runoff Control Plan
3. Alternative plan for disposal (detention facility permit number or wastewater treatment plant authorization): City of Shelby WWTP - 2306 - also (storage tank But seldom used)
4. Types of septage proposed to be discharged at the site (check all that apply):
 - (a) Domestic septage pumped from septic tanks ☒
 - (b) Grease trap pumpings _____
 - (c) Portable toilet waste _____
 - (d) Commercial / Industrial septage _____
5. Proposed treatment method of each type of septage to be land applied (use additional paper to explain if necessary): See Attached
add enough hydrated lime to raise pH 12 or higher, stay 24 hr for 1/2 hr before land application shall occur
6. Proposed method of applying septage to land, including septage distribution plan if required * (use additional paper to explain if necessary): See Attached
from manure vehicle with spreader attachment
7. Demonstration from the appropriate state or federal government agency that the land application site complies with the Endangered Species Law ** or if any part of the site specified is not agricultural land (use additional paper to explain if necessary): Site is all Agricultural Land

III. Certification

I hereby certify that:

1. The information provided on this application is true, complete, and correct to the best of my knowledge.
2. I have read and understand the N.C. Septage Management Rules, and
3. I am aware of the potential consequences, including penalties and permit revocation, for failing to follow all applicable rules and the conditions of a Septage Land Application Site permit.

Leonard McSwain
Signature***

6-25-12
Date

Leonard McSwain
Print name

6-25-12
Title

Note: This application will not be reviewed until all parts of the application are complete.

* Refer to Section .0837(e) of the N.C. Septage Management Rules.

** Refer to Section .0837(g) of the N.C. Septage Management Rules.

***Signature of company official required.

Landowner's Authorization to Operate a Septage Land Application Site

North Carolina Department of Environment and Natural Resources
Division of Waste Management - Solid Waste Section
1646 Mail Service Center, Raleigh, NC 27699-1646

I, Bob Horn (name of site owner) hereby certify that I am the owner of
20 acres of land located ON UNION CH. RD - ST. RD. 1364
and identified by BOOK 1082 - Page 365 (book and page of recorded deed
or tax map parcel) and that I agree to allow Leonard McSwain (name of site
operator) to use said land for septage land application for a period of 5 yrs. (length
of time), beginning OCT. 1 - 2012 (month, day and year) and that I have read the
North Carolina Septage Management Rules *, and I understand and agree to maintain the restrictions on
land use after septage land application ends **. I further understand that no septage may be land applied
until the Division of Waste Management has issued a permit for a septage land application site. The above
described property is owned solely by me or jointly with Wife

(names of all co-owners, or state none).

Signature of landowner Bob Horn Date 1-29-13

Signature of landowner Carolyn Horn Date 1-29-13

Sworn to and subscribed before me this 29th day of January, 20 13

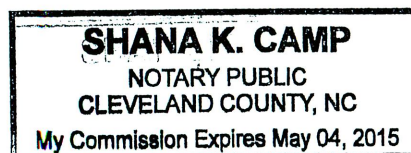
Shana K. Camp
(Notary Public)

(OFFICIAL SEAL)

My Commission expires: 5-4-15

* 15A N.C. Admin. Code 13B Section .0800

** As required by Rule .0843



NUTRIENT MANAGEMENT PLAN FOR SEPTAGE APPLICATION TO TALL FESCUE

A.

- 1 - Septage will be sampled at least 2 times per year for waste analysis. These samples will be used to monitor nutrient loadings. Samples will be taken each fall.
- 2 - The site is agricultural land. Total area available for septage application on this site is ~~12.8~~^(12.8) acres. This will be divided into 2 smaller units - field #1 and field #2. Field #1 contains ~~5.9~~^(5.9) acres, field #2 contains ~~6.9~~^(6.9) acres.
 - A 50 ft. flagged or staked partition divides the 2 sections. Also, a 50 ft. buffer is flagged or staked around perimeter site.
- 3 - The soil series at this site is Cecil.
- 4 - When site is untrafficable (soil is wet - truck putting tracks or ruts in sod) - the septage will be taken to City of Shelby WWTP.

B. Entire Area already established in tall fescue.

C. Realistic yield expected is 3 tons hay/acre/year for nitrogen requirement of 135 lbs. per year.

D. Realative application rate for both fields is:

January	Med.	July	Low
February	Med.	August	Low
March	High	September	Med.
April	Med.	October	Low
May	Low	November	Med.
June	Low	December	Low

* None	-	0 gallons	Med.	-	10,000 gallons
Low	-	5000 gallons	High	-	20,000 gallons

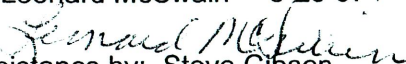
Note: Cumulative application rate is not to exceed 50,000 gallons per acre per year.

- E. The septage will be applied evenly over the permitted site by moving pumper truck - equipped with a splash plate attachment.
- 1 - A bag of lime will be added to 1,000 gallon of septage at job site when septage is being pumped.
 - 2 - Septage will be tested at septage site and a ph of 12 will be retained for 30 minutes.
 - 3 - Septage will have to remain at 12 for 30 minutes prior, before applying to septage site.
- F. Both phosphorus and potassium will be added in accordance with the standard soil test results for the crop grown.
- G.
- 1 - The fescue will be cut as hay and bailed twice per year with a 30 day waiting period observed between the last septage application and harvest. In field #1 septage application will cease March 31, and harvest of hay will be made as soon after May 1st as possible. After harvest, application of septage can resume until August 30th. After the required interval harvest of hay will be made as soon after October 1st as possible. After harvest of hay, septage applications can resume.
 - 2 - In field #2 septage applications will cease April 30th. Hay will be harvested as soon after June 1st as possible. After which applications of septage will resume until September 30th. Harvest will be made as soon after Nov. 1st as possible and septage applications will resume.
 - 3 - The bales will be used by the landowner to stop erosion on his other property.

Soil Erosion and Run-Off Plan

Slope on this site does not exceed five percent. A 50 ft. buffer planted in tall fescue is sufficient to prevent septage waste from migrating off the fields. Buffer will not be harvested. Buffer will be uncut to reduce risk of litter run off if any.

Submitted by: Leonard McSwain 6-25-~~2012~~ 12


Preparation assistance by: Steve Gibson
NC Co-Op. Ext. Agent

Address: Leonard McSwain Septic Tank
3020 Ramseur Church Road
Shelby, NC 28150

Phone: (704) 482-1380

AMENDMENT TO NUTRIENT MANAGEMENT PLAN



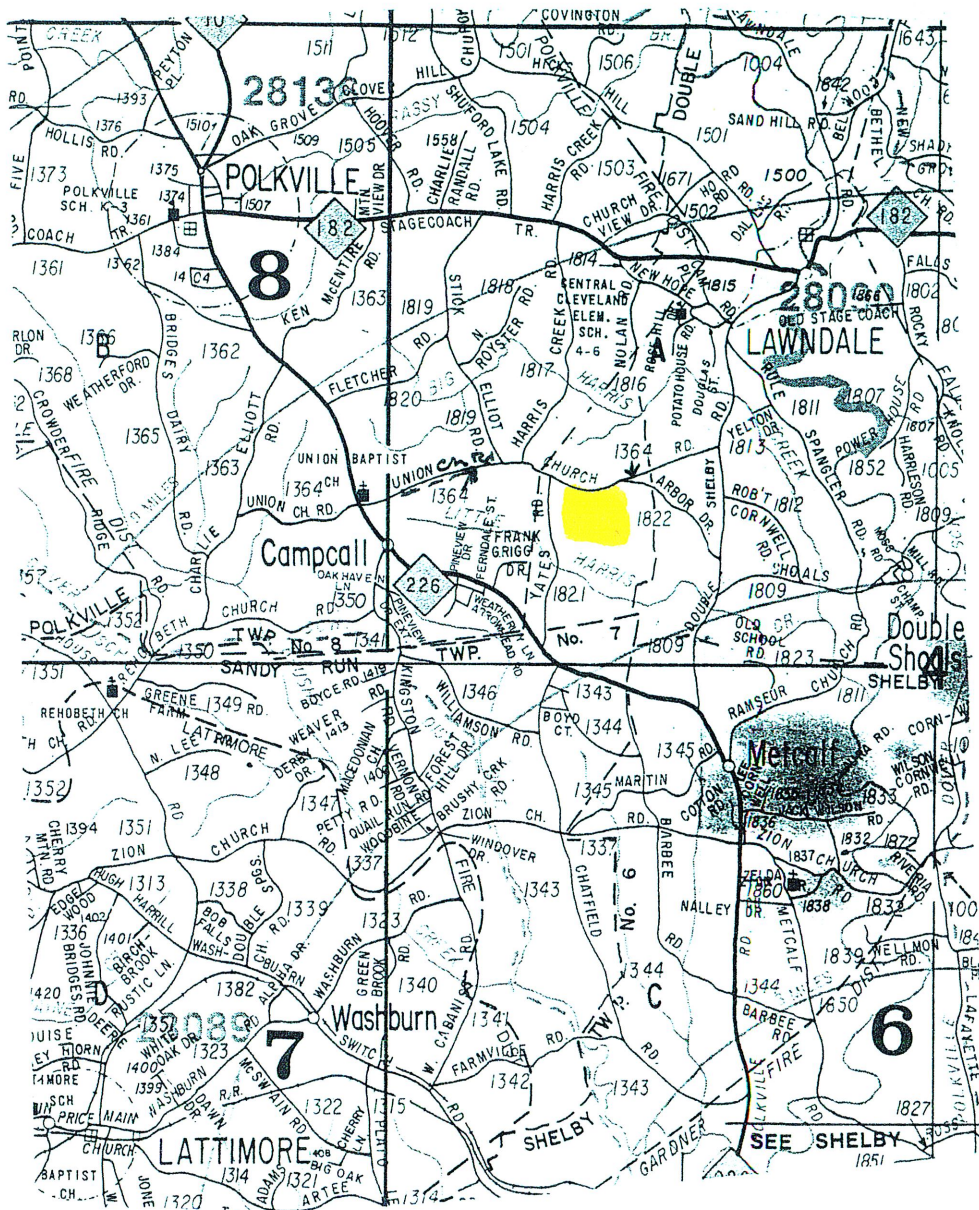
Areas that develop with less than 80% groundcover by fescue will be re-seeded with fescue at a rate of 25 lbs/acre drill (seeding method) in Sept. - Oct (months).

Weed control may be needed in order to maintain 80% groundcover and to produce the realistic yield expectations for the approved cropstand. Weed control may be obtained through different methods (mowing or herbicides) or a combination of methods. For specific recommendations, proper identification of the weed or weeds is necessary. The local cooperative extension agent or regional agronomist may be contacted for advice.

If the site is in use, the fescue shall be harvested whenever it reaches approximately 12-15 inches in height to prevent "lodging" from land application. The 30 day waiting period shall be observed between the last application of septage and harvest.

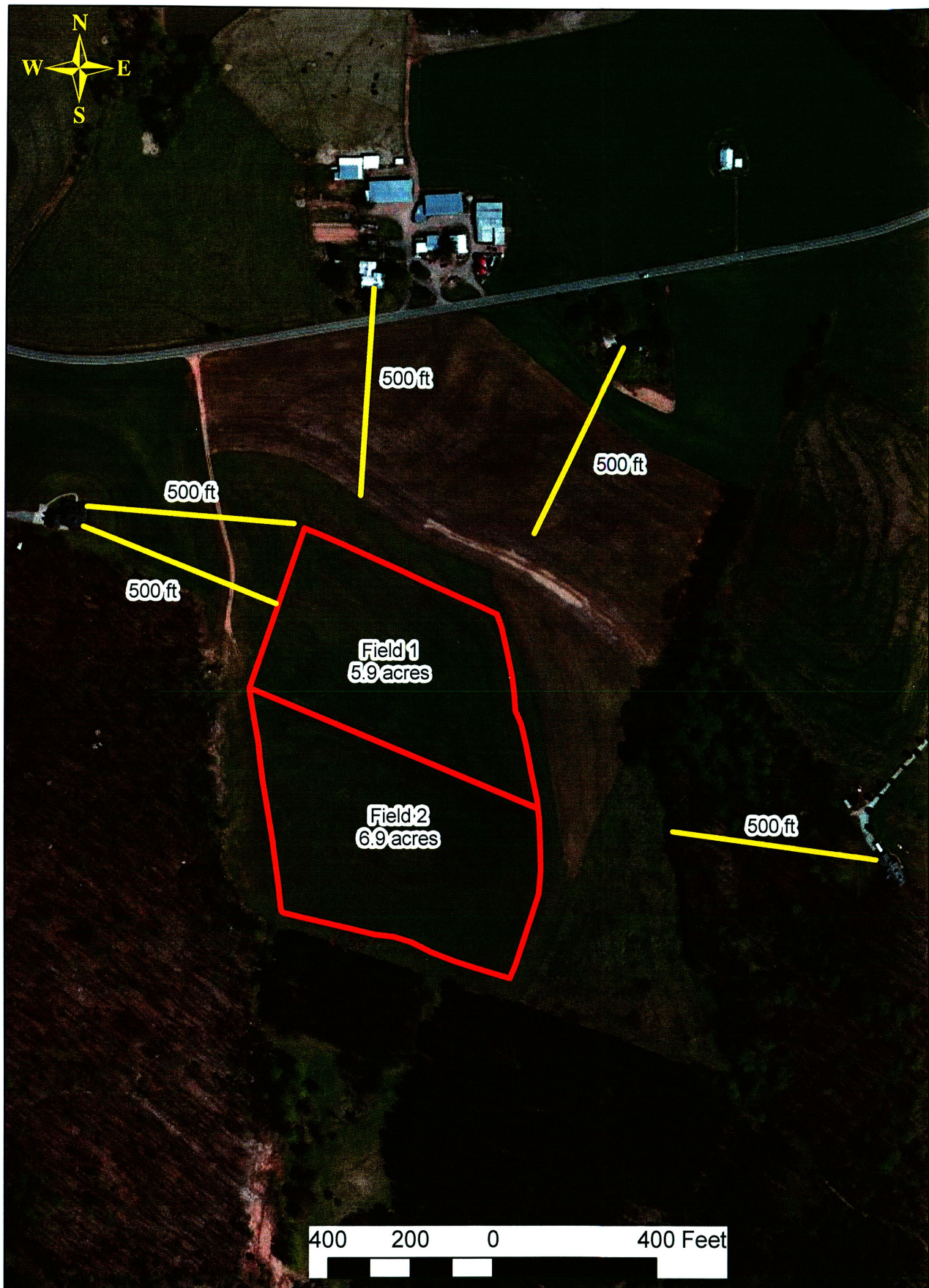
Leonard McSwain
Signature

2-26-13
Date



SLAS-23-06

35.38632° N latitude
-81.59102° W longitude



Source: Bing Maps aerial imagery, ESRI, (c) 2010 Microsoft Corporation and its data suppliers; site boundary, NC DENR Division of Waste Management.

Map created by NC DENR Division of Waste Management, Compost and Land Application Branch for permitting purposes only.
crc, Feb. 2013